



Practitioner's Docket No. 2857/105

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: Daniel Fishman

Application No.: 09/871,990

Filed: 05/31/2001

Group No.: 2173

Examiner: Bonshock, Dennis G.

For: System and Method for Transferring Web-Based Information

Mail Stop Appeal Briefs – Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF AND REQUEST FOR ORAL HEARING

1. Transmitted herewith is the REPLY BRIEF and REQUEST FOR ORAL HEARING in this application with respect to the Examiner's Answer mailed on November 30, 2006.

STATUS OF APPLICANT

2. This application is on behalf of other than a small entity.

Transmittal of Reply Brief--page 1 of 2

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. § 1.8(a)**

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**37 C.F.R. § 1.10\***

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☐ facsimile transmitted to the Patent and Trademark Office, ( 571 ) 273 - 8300.

  
Signature: 01/29/2007 CNEGA1 00000066 098/1990

Date: January 29, 2007

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Jay Sandvos

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Transmittal of Appeal Brief--page 1 of 2

3. EXTENSION OF TERM

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

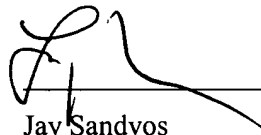
4. TOTAL FEE DUE

Applicant believes that \$1,000.00 is due in connection with the Request for Oral Hearing submitted herewith. A check in the amount of \$1,000.00 is enclosed.

5. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 19-4972.

Date: January 29, 2007



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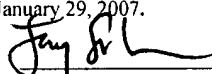
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fishman, Daniel Atty Docket: 2857/105  
Serial No.: 09/871,990 Art Unit: 2173  
Date Filed: May 31, 2001 Examiner: Bonshock  
Invention: **System and Method for** Date: January 29, 2007  
**Transferring Web-Based Information**

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CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 29, 2007.

  
Jay Sandvos

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**MAIL STOP APPEAL BRIEF-PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**BRIEF IN REPLY TO EXAMINER'S ANSWER**

This Brief is filed in reply to the Examiner's Answer in the present Appeal dated November 30, 2006.

Claims 1-6, 8, 9, 11-16, 23 and 33 are pending in the application, and stand rejected under 35 U.S.C. 103(a) as being unpatentable over an earlier patent to Narurkar.

The appeal, noticed April 28, 2006, is with respect to the rejected claims, claims 1-6, 8, 9, 11-16, 23 and 33.

**APPELLANT'S REPLY**

Independent Claims 1 and 11 are directed to a user selecting web-based information and sending it to a personal information management system that applies to a set of users. Claims 1 and 11 in part require a "toolbar having a plurality of indicators for identifying an information type ... selectable from a group including address and event." The reasons supporting the claim rejections provided in the Examiner's Answer are not

accurate or correct.

In his Response to Argument on page 11, the Examiner states that he is not correctly interpreting the claim language "an information type ... selectable from a group including address and event." Instead of reading that language for what it is, the Examiner indicates that he is instead substituting the phrase "a category of data that is being selected." The language chosen by the Examiner is broader in scope than the claim language at issue and may well have issues with respect to the prior art. The claim language itself should be used as the basis for comparison with the prior art, not a broader mischaracterization selected and applied by the Examiner.

Further, on page 14 of the Examiner's Answer, he supports his rejection by misrepresenting the substance of Narurkar:

The examiner respectfully contends that Narurkar teaches, in column 12, lines 18-40, allowing the user to specify the type of information (specify that data is for address book or appointment data) via icons on the toolbar, and further teaching in column 3, lines 10-27 and in column 9, lines 2-6, providing indication of the type, by a manual mapping, from source data structure to destination data structure.

But, the cited passages make no hint or suggestion whatsoever of appointment data, and in fact, Narurkar never discusses appointment or event data. Narurkar only describes transferring address data, and it is therefore further incorrect when the examiner states on the same page that "Narurkar further teaches ... appointment data (as in the standard PIM and an Organizer like that in column 9, line 42)." The cited language merely lists Outlook as an application that can have address data of the type Narurkar discusses, there is again neither here nor anywhere else in Narurkar any suggestion that his invention is useful for both address and event/appointment data. Mischaracterizing a reference to purport to find that which is not there is not a proper basis for rejecting the claims. Thus there is no hint or suggestion of that which the claims require: "an information type ... selectable from a group including address and event."

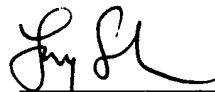
The Examiner's Answer is similarly incorrect on page 15 where it asserts that Narurkar teaches a toolbar allowing the user to specify "type of information (specify that data is for address book or appointment data) via icons on the toolbar." Again the Examiner's assertion is supported by reference to column 12, lines 18-40, and as

explained above, that passage provides no hint or suggestion whatsoever of using appointment data. And so again, the Examiner supports his position by mischaracterizing the substance of the reference.

There are numerous other similar inaccuracies in the Examiner's Answer and his characterization of the substance of the reference. For the foregoing reasons, Appellants submit that all claims in the application are allowable over the art of record and a decision of the Board to that effect is respectfully solicited.

January 29, 2007:

Respectfully submitted,



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